

## **THE CATAWBA COUNTY DRUG TESTING POLICY AND PROCEDURES**

### **INTRODUCTION**

At its June 17, 1991 meeting, the Catawba County Board of Commissioners, by resolution, adopted a Drug Policy which included the following:

#### **PHASE I          Drug Free Workplace**

Policy Statement: It shall be the policy of the Catawba County Government to maintain a workplace free of substance abuse and to work toward a drug-free community. Catawba County will comply with the requirements of the Federal Drug-Free Workplace Act of 1988. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health and, thus, job performance. This policy shall not conflict with the existing law enforcement policy as it applies to employees of the Sheriff's Department.

#### **PHASE II          Testing For Reasonable Suspicion**

Policy Statement: Employees of Catawba County may be requested to report for a Urine Drug Screen and/or Breath Alcohol Test if their supervisor has reasonable suspicion of substance abuse. Refusal will result in disciplinary action up to dismissal.

#### **PHASE III          Pre-Employment Testing Of All Applicants Offered Employment**

Policy Statement: Applicants for employment with Catawba County who are offered employment will be required to undergo a drug screening procedure. An applicant with a positive test result will not be considered for employment.

#### **PHASE IV -VI    Reserved**

#### **PHASE VII          Omnibus Transportation Employee Testing Act Of 1991 (DOT-FHWA)**

Policy Statement: It shall be the policy of Catawba County to comply with the Department of Transportation Federal Highway Act regulations governing alcohol and drug testing of employees. Employees with commercial drivers licenses who are subject to this act are required to submit to alcohol and drug testing and to attend training. All compliance issues of the FHWA regulations are addressed in Phase VII. FHWA regulations require pre-employment( this requirement is currently suspended), random, reasonable suspicion, post-accident, return to duty and follow-up testing of covered employees.

#### **PHASE VIII          Omnibus Transportation Employee Testing Act Of 1991 (DOT-FTA)**

It shall be the policy of Catawba County to comply with the Department of Transportation Federal Transportation Act regulations governing alcohol and drug testing of employees. Employees with commercial drivers licenses who are subject to this act are required to submit to alcohol and drug testing and to attend training. All compliance issues of the FTA regulations are addressed in Phase VIII. FTA regulations require pre-employment, random, reasonable suspicion, post-accident, return to duty and follow-up testing of covered employees.

**Revised November 20, 1995  
by the Catawba County Board of Commissioners**

## **GENERAL STATEMENT**

The use of illegal drugs and misuse of legal substances by a significant segment of the American workforce has major adverse effects on the welfare of all citizens and results in the loss of considerable money and productivity each year. Because the safety of its employees and the delivery of services to its citizens are adversely affected by alcohol and substance abuse, Catawba County cannot afford to ignore this critical problem.

As an employer, Catawba County is committed to provide, within its means, a healthy and safe work environment; to provide the best possible services to County citizens; to maintain the public's confidence in its employees; and to protect the County from the economic losses that can occur due to alcohol and drug abuse. There is no reason to believe that illegal drug use or substance abuse in the County is greater than any other work place; nevertheless, the well-being of County residents demands that the County take the actions necessary to insure that substance abuse and illegal drugs are absent within its workforce.

The purpose of this policy is to promote and maintain a drug free environment in the workplace and to protect employees and the public by insuring that Catawba County employees are fit to perform their assigned duties. Employees are expected and required to safely and effectively perform their duties throughout the workday. The County also recognizes that its employees' off-the-job, as well as on-the-job involvement with drugs and alcohol, can have an impact on the quality of service that the County provides to the public.

The public has a right to expect that those who work for county government are at all times both physically and mentally prepared to assume their duties. The County provides a comprehensive Employee Assistance Program to help employees deal with personal problems which may be affecting their job performance or well being. The County is expanding this program emphasis to include all forms of substance abuse as well.

As a public employer, the County is entrusted with the health and safety of its citizens. In keeping with this obligation, individuals who seek employment with Catawba County shall be required to undergo a drug screening procedure.

## **EMPLOYEES AFFECTED**

This drug testing policy shall apply to all Catawba County government employees with the exceptions of appointed members to any departmental boards, elected county officials and their employees, and agricultural extension agents who are covered under the North Carolina State University Substance Abuse Policies.

## **RESPONSIBILITY**

### **The County Manager**

The County Manager is responsible for insuring that all Catawba County agencies adhere to this policy in all matters relevant to it.

### **The Sheriff**

All applicants for and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Commission, will be subject to the drug testing policies and procedures of the Commission. The Sheriff shall be responsible for the testing and reporting requirements in accordance with the specifications published by the Commission.

## **The Personnel Director**

The Personnel Department is responsible for coordinating training pertaining to the county's drug testing policy and for disseminating the policy to county departments. The Personnel Department shall be responsible for obtaining informed consent for substance abuse testing from all final employment candidates and for maintaining such documentation in the personnel files. Any and all information regarding suspected substance abuse shall be referred to the Personnel Director and shall be held in confidence by the Personnel Department. Any confidential information on substance abuse may be communicated by the Personnel Director to the proper authority on a need-to-know basis.

## **The Department Heads**

All Department Heads are responsible for insuring that supervisory personnel attend training pertaining to Catawba County's substance abuse policy and are familiar with and adhere to the new requirements of this procedure. Department Heads are also responsible for disseminating information of the County's policies or procedures on this subject to all employees. In cooperation with the Personnel Director, Department Heads will be responsible to follow through with the proper application of the procedures, and take any disciplinary measure that may be necessary.

## **Employees**

All Catawba County employees are responsible for knowing and adhering to the requirements of this policy. Employees are also expected to share the responsibility of insuring that the County's work place is a safe one, free from the dangers which are associated with the abuse of alcohol or other drugs in the work environment. Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession of any controlled substance, or is intoxicated shall immediately report the facts and circumstances to the supervisor.

## **DEFINITIONS**

"Applicant" is a person who applies for employment with Catawba County Government either as a full-time or part-time employee.

"Medical Review Officer" is a licensed physician whose services are obtained by the County to whom all laboratory tests are sent and who reviews and interprets all "positive" laboratory test results.

"Employee" means, for the purpose of this policy, any person whose position is included in the Catawba County Classification Plan or any person receiving salary payments based on the Catawba County Pay Plan including temporary employees. This definition does not include elected officials or their employees.

"Chain of Custody" is a written record of each individual who has handled or had access to any specimen which has been collected, stored, tested and retained. Chain of custody shall include the identity of each individual who has had possession and control of any specimen, as well as the dates, times and locations of such custody.

"Controlled Dangerous Substance" is any drug determined as such by the Federal Drug Administration, or any drug for which possession without a prescription is prohibited by the laws of this State.

"Drug Screen" A chemical test conducted on urine, blood, or breath sample by the designated lab to detect the occurrence of controlled substance or alcohol use.

"Final Candidate" means any person who applies to become an employee of Catawba County who is a final candidate for a position.

"Impaired" means under the influence of a substance while on the job such that an employee's motor and/or sensory function (e.g., sight, hearing, balance, coordination, reaction, reflex) or judgement are adversely affected.

"Possession" means to have a controlled dangerous substance either on or in an employee's person, personal effects, motor vehicle, tools, or areas substantially entrusted to the control of the employee such as desks, files and lockers.

"Specimen" is a sample of an employee's urine or a breathalyzer obtained under the supervision of medical or authorized personnel for the purpose of determining the presence of alcohol or drugs.

"Substance" is a controlled dangerous substance, alcohol or other substance which impairs a person's normal ability and/or judgement.

"Substance Abuse" means the use of a substance without medical supervision or direction, or "without prescription" which impairs, while on the job, a person's normal ability and/or judgement.

"Threshold Level" is the level of concentration of a drug in a specimen which will be used to decide if a specimen is positive or negative for drug use.

"Unfit for Duty" means that a supervisor has an articulated reasonable belief that an employee is impaired and would be incapable of adequately performing his/her assigned duties and responsibilities.

"Worksite" means any location at which County employees are working.

"Reasonable Suspicion" means a belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of alcohol or illegal drugs while at work.

Circumstances which constitute a basis for determining "Reasonable Suspicion" may include, but are not limited to:

- (a) Observable occurrences, such as direct observation of drug use and/or the physical symptoms of being under the influence of a dangerous substance.
- (b) A report of drug use, by an employee while at work, provided by a reliable and credible source.
- (c) A pattern of poor judgement, unexplained preventable accidents in the performance of duties, and/or of information based on specific objective facts that an employee has caused, or contributed to an accident at work while under the influence of drugs or alcohol.
- (d) Evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs while working, while on the County's premises, or while operating or in possession of a County vehicle.

"Catawba County Employee Assistance Program" means the program of services provided to County employees. These services include assessment, evaluation, counseling and referral to treatment and follow-up procedures.

"Approved laboratory" means a laboratory certified to perform drug and alcohol screening or testing.

## **DRUGS TO BE TESTED**

When drug screening is required under the provisions of this program, a urinalysis test will be conducted to detect the presence of the following drugs:

- (a) Amphetamines
- (b) Barbiturates
- (c) Cocaine
- (d) Methaqualone
- (e) Opiates
- (f) Phencyclidine (PCP)
- (g) THC (Marijuana)
- (h) Benzodiazepines

The Personnel Director may also include testing for any other controlled substance as defined in North Carolina General Statute 90-87(5) or metabolite thereof.

The content level of each substance needed to determine whether an employee has consumed or is under the influence of a drug as listed above will be determined by a certified toxicologist of the approved laboratory.

Any employee found to have abused prescription drugs will be subject to the terms and conditions of this program.

## **THE TEST**

Normally, a urine test will be used to determine the presence of drugs and a breathalyzer exam will be utilized for detection of alcohol. Guidance and instructions in administering the tests will be provided by an approved laboratory to insure that proper steps are followed in collecting and evaluating samples. A strict chain of custody will be maintained by all personnel involved with the sample collection, transporting and testing.

## **Medical Review Officer**

In order to provide, to the greatest extent possible, for the privacy and confidentiality of applicants and employees who are required to submit to drug testing, all laboratory results will be sent directly to the Medical Review Officer. All specimens reported by the laboratory as negative will in turn be reported to the agency by the MRO as negative.

With respect to confirmed positive results, the MRO;

1. may conduct medical interviews with the applicant/employee;
2. may review applicant/employee medical histories or any other biomedical factors;
3. shall review all medical records made available by the tested employee when a confirmed positive could have resulted from legally prescribed medication;
4. may deem the results scientifically insufficient for further action and declare the result to be negative based on a review of such data or facts as he may deem appropriate.

## **Chain of Evidence - Storage**

1. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.
2. Where a positive result is confirmed, urine specimens shall be maintained by the laboratory in secured, refrigerated storage for an indefinite period.

### **Confidentiality of Test Results**

1. A positive result which the MRO justifies by appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be reported as a negative result and may not be released for purposes of identifying illegal drug use. Records of the MRO shall only be released to the Personnel Director.
2. All records and information of personnel actions taken on applicants and veteran employees with verified positive test results shall be maintained in accordance with state and local personnel policies and procedures.
3. Upon completion of the test, the results will be sent to the applicant, if requested.

### **CONSEQUENCES OF A POSITIVE DRUG TEST RESULT**

A final candidate shall be denied employment with Catawba County if his/her drug test is positive. Such candidate may be considered for future employment after a 1 year period.

Except as otherwise provided in this policy, an employee who has a positive drug test result will be subject to disciplinary action up to and including dismissal, or the Supervisor may make a mandatory EAP referral. When making recommendations for disciplinary action, Supervisors and Department Heads should consider factors which include:

- (a) the employee's work history,
- (b) job assignment;
- (c) length of employment;
- (d) current job performance;
- (e) existence of past disciplinary actions.

### **MANDATORY EMPLOYEE ASSISTANCE PROGRAM (EAP)**

An employee permitted to continue employment and receive assistance under the Employee Assistance Program will be required to cooperate fully with the provisions of the recommended rehabilitation program.

Employees referred to the EAP for participation in a drug rehabilitation program, who fail to enter or complete the program, will be recommended for dismissal.

Disciplinary action is not automatically suspended by an employee's participation in the EAP. Disciplinary action may be taken against an employee for performance issues or inappropriate conduct.

Those employees participating in an EAP approved drug rehabilitation program, will be subject to unannounced drug tests in accordance with the aforementioned procedures. Upon a positive drug test result, the employee will be dismissed.

Those employees satisfactorily completing a drug rehabilitation program recommended or approved by the EAP staff, will be subject to unannounced tests for two years after completion of the program. Upon a positive drug test result, the employee will be dismissed.

Nothing in this section is intended to alter the confidential nature of the EAP for employees who voluntarily identify themselves as drug users and individually request assistance from the EAP staff. Employees who have alcohol or drug abuse problems are encouraged to avail themselves of the EAP. Voluntary participation is confidential.

### **NOTIFICATION OF ARREST OR CONVICTION**

Each County employee shall notify his/her Supervisor of his/her arrest or conviction of any criminal drug statute for a violation no later than five (5) days after such arrest or conviction. It is understood that such notification shall constitute a reasonable suspicion for such employee to undergo a required drug test.

### **NONDISCIPLINARY SUSPENSION**

An employee may be suspended pursuant to the Catawba County Personnel Code pending an investigation, hearing, or trial of that employee for a drug related offense.

### **OTHER ADDITIONAL STANDARDS**

All final candidates for employment and all employees in positions subject to the provisions of other duly constituted and recognized agencies or licensing boards such as the North Carolina Board of Nursing and the North Carolina Board of Medical Examiners, will be subject to the drug testing policies and procedures of such agency or licensing board in addition to those outlined herein.

### **COMMUNICATION AND TRAINING**

The Personnel Department shall coordinate drug free awareness training which will include communication of the contents of this testing policy. The training shall include:

- (a) Catawba County's policy of maintaining a drug free workplace.
- (b) Recognizing the dangers of drug abuse in the workplace.
- (c) Information concerning the Employee Assistance Program (EAP) and the available drug counseling and rehabilitation available through that program.
- (d) Appropriate supervisors responses to substance abuse in the workplace.
- (e) Drug Abuse Policy training for supervisors.

## **PHASE I - DRUG FREE WORK PLACE POLICY**

### **Purpose**

The purpose of this policy is to notify all employees of the provisions of the Catawba County Drug-Use Policy.

### **Policy**

It shall be the policy of Catawba County Government to maintain a workplace free of substance abuse and to work toward a drug-free community. Catawba County will comply with the requirements of the Federal Drug-Free Workplace Act of 1988. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health and, thus, job performance. This policy shall not conflict with the existing law enforcement policy as it applies to employees of the Sheriff's Department.

### **Guidelines**

- A. Reporting to work or performing work for the county while impaired by or under the influence of drugs or alcohol is prohibited.
- B. The illegal use, possession, dispensation, distribution, manufacture or sale of controlled substances by employees at the worksite, and while the employee is on official county business, on duty or when on stand-by duty is prohibited.
- C. Violation of such prohibitions by county employees is considered conduct detrimental to county service and will result in discipline in accordance with the Personnel Ordinance.
- D. Employees who work in Departments that receive Federal grants are required by federal law to notify the employing department head or designee within five (5) days of any criminal drug statute conviction where such conviction was due to an occurrence at the worksite, during work hours, or while on duty, official business, or stand-by duty.
  - 1) An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above will be subject to discipline action in accordance with the Personnel Ordinance.
  - 2) A conviction means a finding of guilt or the imposition of a sentence by a judge or jury, or both, in any federal or state court.
- E. Departments that receive federal grants must, in turn, report any such criminal drug statute convictions as stated above of their employees, covered by federal grants to federal agencies from which grants are received within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.
- F. Any employee with prior knowledge that the use of a prescribed medication under the doctor's direction or over-the-counter medication that could alter the employee's ability to perform the duties and responsibilities of the position, must notify the appropriate supervisory person. An employee is responsible for ascertaining from a health care professional the effects of any prescribed drug being taken. Failure to obtain such information will not preclude disciplinary action under this policy.
- G. All employees will be given a copy of the Catawba County Drug-Free Workplace and a signed Certification Statement form documenting this fact will be filed in the employee's personnel record.

- H. All supervisors will be given training as to how to address legitimate concerns about alcohol and other drugs and how to refer to EAP.

**CATAWBA COUNTY**

**CERTIFICATION STATEMENT  
DRUG-FREE WORKPLACE**

I certify that I understand the Catawba County Government's Policy "Drug-Free Workplace" and that I will abide by the terms of that policy during my employment with Catawba County.

Employee Signature\_\_\_\_\_

Date:\_\_\_\_\_

Department:\_\_\_\_\_

File in employee's personnel file (or personnel office)

## **PHASE II TESTING FOR REASONABLE SUSPICION**

### **Policy**

Employees of Catawba County may be requested to report for a Urine Drug Screen and/or a Breath Alcohol Test if their supervisor has reasonable suspicion of substance abuse. Refusal will result in disciplinary action up to dismissal.

Department Heads who have reasonable suspicion (defined herein) that an employee in his/her department is using or under the influence of drugs or alcohol which impairs the employee's ability to do the assigned job shall immediately relate to the Personnel Director those facts giving rise to the reasonable suspicion.

Before a drug test is administered, the Department Head shall ask the employee to sign a consent form authorizing the test and permitting release of test results to County officials with a need to know. When a supervisor has a reasonable suspicion that an employee is impaired and, therefore, unfit for duty due to substance abuse, the supervisor must report that reasonable suspicion to the Department Head. It is critical for a supervisor to be able to clearly articulate and document the odd or unusual behavior giving rise to his/her reasonable suspicion that an employee is impaired due to substance abuse. The supervisor should request the employee to come to a confidential area, away from the work station and other employees, and ask the employee to explain his/her behavior. Nothing in this procedure should be interpreted as preventing a supervisor from taking any immediate action necessary to insure the safety of the employee, his/her fellow workers or the public, such as preventing the employee from continuing to operate tools or equipment in an unsafe manner.

The consent form shall also set forth the following information:

- (a) Appeal rights.
- (b) The consequences of a positive test result.
- (c) The consequences of refusing to undergo a drug test.

An employee who refuses to consent to a test, when reasonable suspicion of drug or alcohol abuse has been identified and documented, will be dismissed under Article IV of the County Personnel Code.

An employee requesting delay(s) of a drug test scheduled under the provisions stated in this document, or failing to appear for the test, will be considered to have refused to consent to a drug test and become subject to the provisions stated above.

### **Guidelines**

- A. Reasonable suspicion must be based upon behavioral patterns of deteriorating job performance or involvement in an avoidable accident with county equipment. The employee should be removed from all responsibility for operating equipment or from other situations which may pose an immediate hazard until test results are evaluated.

Some behavior and physical signs that may be warning signs of a substance abuse problem are listed below:

#### **Absence from Work**

Although absences vary with each individual, these patterns may indicate a problem:

- . Unauthorized or excessive absences.
- . Monday and/or Friday absences or the same day every week.
- . Excessive tardiness, especially on Monday mornings or in returning from lunch.

- . Leaving work early.
- . Unusual and increasingly improbable excuses for absences.
- . Frequent minor illnesses.

#### **Absence On-The-Job**

- . Lengthy and/or frequent absences from work station.
- . Returning late from rest or meal periods.

#### **Loss of interest**

- . Decline in concern for productivity requirements.
- . Lack of responsiveness to organizational concerns and needs.
- . Decline in participation in organizational activities.
- . Withdrawal from interacting with or assisting co-workers or other members of the department or unit.

#### **Confusion or Difficulty in Concentration**

- . Work requires unusual effort and is done with increased frustration.
- . Jobs take more time.
- . Unusual difficulty in recalling instructions and details.

#### **Spasmodic Work Patterns**

- . Includes patterns of very high productivity followed by very low productivity.
- . Coming to work or returning to work in an obviously abnormal condition.

#### **Lowered Job Efficiency/Quality**

- . Frequently fails to complete work assignments on time.
- . Excessive waste of materials and supplies.
- . A pattern of deteriorating decision-making.
- . Frequent complaints from co-workers.
- . Improbable excuses for poor job performance.

#### **High Accident Rate and Resulting Accident Claims**

- . Frequent accidents on the job.
- . Repeated accidents off the job which affect job performance.

#### **Friction with Co-Workers and Supervisor**

- . Over-reacts to real or imagined criticism.
- . Has wide swings in moods.
- . Frequently borrows money from co-workers without repaying.
- . Begins to avoid associates.
- . Unreasonable resentments, argumentativeness, and other exaggerated behavior.

### **Difficulty in Making Changes**

- . An irritation, panic-like response to making changes.

### **Poor Performance as a Supervisor**

- . Uncharacteristic neglect of supervisory duties.
- . Begins to issue contradictory instructions to employees.
- . Frequently uses employees' time and skills to cover responsibilities clearly within the supervisor's job description.
- . Repeatedly submits incomplete reports and data.
- . Increasingly unable to concentrate or manage complex administrative details.
- . Frequent loss of temper.

### **Physical Symptoms Suggestive of Substance Abuse**

In addition to the behavioral symptoms described above, the following should be used to alert the manager/supervisor that a substance abuse problem may exist.

- . Shakiness and/or tremulousness.
- . Physical agitation or hyperactivity.
- . Drowsiness; slurred speech.
- . Enlarged or constricted pupils; red eyes.
- . Physical clumsiness, stumbling or unsteady gait.
- . Nausea or vomiting.
- . Fainting or blackouts.
- . Sudden decrease or increase in energy level and stamina.
- . Changed reaction time.

### **B. Referral Process**

**SEE THE ATTACHED REFERRAL PROCESS**

### **PHASE III - PRE-EMPLOYMENT TESTING OF ALL APPLICANTS OFFERED EMPLOYMENT**

#### **Policy**

All final candidates for employment with Catawba County are subject to the testing provisions of this program. A candidate who receives a positive test result will be excluded from further consideration for employment for one year following the date of the drug test.

All final candidates for employment with Catawba County will be provided with written notification of this drug testing policy.

Drug testing of final candidates will be done as part of a pre-employment requirement and as a condition of employment. All final candidates will be required to sign a consent form authorizing a drug test and permitting release of the test results to County officials with a need to know.

A job applicant who refuses to submit to a drug test will be denied employment with Catawba County.

The Personnel Director may, in the Director's discretion, waive drug testing in cases of temporary employment or part-time employment.

#### **SEE THE ATTACHED REFERRAL PROCESS**

**Phase IV-VI.     Reserved**

## **PHASE VII - OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991 (DOT-FHWA)**

[This policy is based on the Department of Transportation regulations 49 CFR Part 382. Please refer to previous phases of the Catawba County Drug Testing Policy for additional information on issues relating to reasonable suspicion, consent forms, and appropriate disciplinary actions. In instances where the overall Catawba County Drug Testing Policy is more stringent than phase VII, the overall policy shall be followed.]

### **1.0 POLICY STATEMENT**

It shall be the policy of Catawba County Government to maintain a work place free of alcohol misuse and controlled substance use. Catawba County will comply with Department of Transportation - Federal Highway Administration (FHWA) alcohol and controlled substance testing rules for employees who are required to have a commercial driver's license (CDL) as specified in The Omnibus Transportation Employee Testing Act of 1991.

### **2.0 PURPOSE**

To help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by drivers of commercial vehicles.

### **3.0 RESPONSIBILITIES**

The County Manager is ultimately responsible for insuring Catawba County adheres to this policy.

The Personnel Director is responsible for the day-to-day implementation of this policy including identifying employees covered by The Omnibus Transportation Employee Testing Act of 1991; educating affected applicants, employees and supervisors about the requirements of The Omnibus Transportation Employee Testing Act of 1991 and Catawba County Government's related policies and procedures; overseeing alcohol and controlled substance testing, record retention, and reporting; and training supervisors on alcohol and controlled substance misuse and how to identify probable misuse among employees.

Supervisors of employees affected by The Omnibus Transportation Employee Testing Act of 1991 are responsible for attending required training and adhering to the requirements of this policy.

All Employees affected by this policy are responsible for knowing and adhering to the requirements of this policy.

### **4.0 EMPLOYEES AFFECTED**

This policy applies to any Catawba County employee (permanent or hourly) who is required to have a North Carolina Commercial Driver's License (CDL) to perform safety-sensitive functions of his/her position.

Safety Sensitive Functions Include:

- ?? all time at a facility waiting to be dispatched, unless the driver has been relieved from duty by the employer
- ?? all time inspecting, servicing, or conditioning a commercial motor vehicle
- ?? all time spent driving a commercial motor vehicle
- ?? all time, other than driving, spent on or in a commercial motor vehicle
- ?? all time loading or unloading a commercial vehicle or supervising the loading or unloading of a commercial motor vehicle

- ?? all time spent performing the driver requirements associated with an accident
- ?? all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

A CDL is required under the following conditions:

- ?? Operating a vehicle in excess of 26,001 pounds GVWR
  - ?? Operating a vehicle designed to carry 16 or more passengers, driver included
  - ?? Operating a vehicle which transports a placardable amount of hazardous material
- Note: All emergency vehicles including police, fire, and ambulance are currently exempt.

## 5.0 PROHIBITIONS

- 5.1 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- 5.2 No driver shall possess alcohol while at work or while performing safety sensitive functions.
- 5.3 No driver shall use alcohol while at work or while performing safety-sensitive functions.
- 5.4 No driver shall perform safety-sensitive functions within four hour after using alcohol.
- 5.5 No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- 5.6 No driver shall refuse to submit to a post-accident, random, reasonable suspicion, or a follow-up alcohol or controlled substances test.
- 5.7 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who had advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- 5.8 No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances.

## 6.0 TESTING REQUIREMENTS

### 6.1 Pre-employment

All applicants for employment in safety-sensitive positions or individuals being transferred into a safety-sensitive position must undergo a pre-employment controlled substance test.

Note: Pre-employment alcohol testing requirements were suspended in May of 1995.

### 6.2 Post Accident Testing

Any CDL driver involved in an accident that either (1) involves a fatality, or (2) results in a citation for a moving traffic violation is required to report to the County's contracted medical testing facility to undergo alcohol and controlled substance testing as soon as possible.

Alcohol testing should be performed within two hours, but no longer than eight hours, following the accident. If post-accident alcohol testing is not performed within two hours of the accident, written documentation explaining why the test was not conducted within the two hour timeframe is required. Any safety-sensitive

employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test.

Controlled substance testing is required within thirty-two hours following the accident. If the test is not conducted within thirty-two hours of the accident, documentation explaining why the test was not conducted within the thirty-two hour timeframe is required.

Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to having alcohol and controlled substance tests will be considered to have refused the test and their employment terminated.

### 6.3 Random Testing

Each calendar year a minimum of 25 percent of the average number of CDL holders will be randomly tested for alcohol, and a minimum of 50 percent of the average number of CDL holders will be randomly tested for controlled substances. These tests will be conducted on a random, unannounced basis throughout the calendar year. Once notified, those CDL holders who are randomly selected must immediately report to the County's contracted medical testing facility to undergo alcohol and controlled substance testing. Random alcohol testing is only authorized during, just preceding, or just after a driver has performed a safety sensitive function.

Note: Based on violations rates, the minimum percentages for random testing may be lowered by the FHWA.

### 6.4 Reasonable Suspicion Testing

Testing will be required when a trained supervisor or County official observes a CDL holder with behavior or appearance that is characteristic of alcohol misuse or controlled substance use. Reasonable suspicion alcohol testing is authorized only if the observations are made during, just preceding, or just after a driver has performed a safety sensitive function.

Reasonable suspicion testing must be authorized by the Department Head and reported to the Personnel Director or his/her designee. Once the test is authorized, the CDL holder with suspect behavior will be immediately escorted to the County's contracted medical facility for alcohol and controlled substance testing within two hours of the observation. Observations leading to alcohol and/or controlled substance reasonable suspicion test must be documented and signed by the supervisor or County official who made the observation within 24 hours of the observed behavior.

### 6.5 Return to Duty Testing

Before a CDL holder who has engaged in conduct prohibited by this policy can return to work, the driver shall undergo a return-to-duty alcohol and controlled substance test. The alcohol test must indicate an alcohol concentration level of less than 0.02 and the controlled substances test result must be negative before a driver can return to work.

### 6.6 Follow-up Testing

When a CDL holder who has tested positive for alcohol misuse has successfully completed an EAP Rehabilitation Program, a negative Return-to-Duty test is required prior to returning to work:

Once the CDL holder has returned to work, he/she will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the substance abuse professional. Follow-up tests will be conducted for a period of two years following the CDL holder's return to duty. A minimum of six follow-up tests will be conducted during the first 12 months following the return to duty.

#### 6.7 Failure to Comply

Failure to comply with the testing requirements will be considered a refusal to consent to testing and will result in dismissal.

### 7.0 **CONSEQUENCES OF POSITIVE TEST RESULTS**

#### 7.1 Refusal to Submit to Testing

Applicants for employment into safety-sensitive positions or any other positions with Catawba County who refuse to submit to a pre-employment prohibited substance test will not be considered for employment.

CDL holders who refuse to submit to an alcohol or controlled substance test will be dismissed. A CDL holder refuses to submit to a test is when he/she (1) fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

#### 7.1 Applicants

Any applicant for employment who tests positive for controlled substances will not be considered for employment in a safety-sensitive or any other position with Catawba County Government for a period of one year. Any current Catawba County employee who tests positive for controlled substances prior to employment or reassignment into a safety-sensitive position will not be considered for employment in a safety sensitive position and will be subject to disciplinary action.

#### 7.3 Current Employees

CDL holders who are tested and found to have alcohol levels of greater than 0.02 but less than 0.04 will not be allowed to work for a minimum of 24 hours and will be subject to disciplinary action.

CDL holders who have an alcohol test result of 0.04 or greater or who test positive for controlled substance use will be mandatorily referred to EAP and will be subject to disciplinary action up to and including dismissal. Participation in a EAP program does not shield an employee from disciplinary action or guarantee employment or reinstatement with Catawba County.

Before a CDL holder who has been mandatorily referred to EAP for evaluation by a substance abuse professional must complete a rehabilitation program and undergo a return to duty alcohol and/or controlled substances test prior to returning to work. The return to duty test must indicate an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a verified negative controlled substances test result if the conduct involved a controlled substance before the employee can return to work.

Once the CDL holder has returned to work, he/she will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the substance abuse professional. Follow-up tests will be conducted for a period of two years following the CDL holder's return to duty. A minimum of six follow-up tests will be conducted during the first 12 months following the return to duty.

## **8.0 TESTING PROCEDURES**

### **8.1 Alcohol**

Alcohol tests will be conducted at the County's contracted medical testing facility by an Breath Alcohol Technician (BAT) using an evidential breath testing (EBT) device. If an initial breath test indicates an alcohol level of 0.02 or greater, a second test is required to confirm the results. Testing procedure that ensure accuracy, reliability, and confidentiality of test results will be followed as outlined in the Omnibus Act.

### **8.2 Controlled Substances**

Controlled substance tests will be conducted at the County's contracted medical testing facility by collected and analyzing a urine specimen. Each step of this process will be documented to establish procedural integrity and chain of custody. The FHWA requires that controlled substance testing procedures for commercial motor vehicle drivers include split specimen procedures. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request the split specimen be sent to another certified laboratory for analysis. A split specimen analysis will be at the expense of the employee.

## **9.0 RECORD RETENTION, CONFIDENTIALITY, AND INFORMATION FROM PREVIOUS EMPLOYERS**

### **9.1 Records**

Catawba County shall maintain records of its alcohol misuse and controlled substances use prevention programs in accordance with The Omnibus Transportation Employee Testing Act of 1991. All records pertaining to CDL alcohol and controlled substance abuse testing are confidential and will be released only as required by law or expressly authorized.

A driver can obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including test results. Records shall be made available to a subsequent employer or other identified person upon receipt of a written request from the driver.

### **9.2 Medical Review Officer**

The Medical Review Officer (MRO) must submit to Catawba County signed, written test results within three business days of completion of the MRO's review. The MRO is responsible for retaining records of controlled substance tests in a confidential manner and in compliance with the Omnibus Transportation Employee Testing Act of 1991. The MRO is responsible for making reasonable efforts to contact drivers to discuss any positive test results.

### **9.3 Information from Previous Employers**

All finalists being considered for employment in a safety sensitive CDL positions must provide written consent for Catawba County to obtain the following information from their previous employers: (1) alcohol tests with a concentration result of 0.04 or greater, (2) positive controlled substance test results, and (3) refusals to be tested within the preceding two years. Finalists who refuse to provide this written consent will not be considered for employment.

This information must be obtained and reviewed prior to employment in a safety-sensitive position. The information may be obtained through oral or written communications with previous employers, and will be maintained by Catawba County in a written, confidential record.

No CDL holder will be used in a safety-sensitive position with Catawba County if information obtained from previous employers indicates that he/she has (1) had an alcohol test with a concentration of 0.04 or greater, (2) had a positive controlled substances test result, or (3) refused to be tested unless the driver has subsequently been evaluated by a substance abuse professional or passed a return to duty test.

#### **10.0 EDUCATION AND TRAINING**

Educational material which explains this policy must be distributed to each CDL holder prior to the start of testing program and to each final candidate for employment into a safety sensitive position. Each CDL holder must sign for receipt of the informational material.

All persons who supervise CDL holders must receive 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use. This training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

#### **11.0 COORDINATION OF OTHER RELATED POLICIES**

All employees who are subject to The Omnibus Transportation Employee Testing Act of 1991 are also subject to the Catawba County Drug Testing Policy and Procedures.

In accordance with the Catawba County Drug Testing Policy, all County employees are required to notify his/her supervisor of any alcohol or drug-related arrest or conviction within five days after such arrest or conviction. Such notification shall constitute a reasonable suspicion for such employee to undergo a required controlled substance and/or alcohol test. Failure to notify the supervisor constitutes grounds for disciplinary action up to and including dismissal.

## **PHASE VIII - OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991 (DOT-FTA)**

[This policy is based on the Department of Transportation regulations 49 CFR Part 653, Part 640, and Part 40, as amended. Please refer to previous phases of the Catawba County Drug Testing Policy for additional information on issues relating to reasonable suspicion, consent forms, referral processes, and appropriate disciplinary actions. In instances where the overall Catawba County Drug Testing Policy is more stringent than phase VIII, the overall policy shall be followed.]

### **1.0 POLICY STATEMENT**

Catawba County is committed to provide, within its means, a healthy and safe work environment; the best possible services to County citizens; maintain the public's confidence in its employees; and protect the County from the economic losses that can occur due to alcohol and drug abuse. There is no reason to believe that illegal drug use or substance abuse in the County is greater than any other work place, nevertheless, the well being of County residents demands that the County take the actions necessary to insure that substance abuse and illegal drugs are absent within its work force.

### **2.0 PURPOSE**

The purpose of this policy is to promote and maintain a drug free environment in the workplace and to protect employees and the public by insuring that Catawba County employees are fit to perform their assigned duties. Employees are expected and required to safely and effectively perform their duties throughout the workday. The County also recognizes that its employees' off-the-job, as well as on-the-job involvement with drugs and alcohol, can have an impact on the quality of service that the County provides to the public.

This policy is also intended to comply the Omnibus Transportation Employee Testing Act of 1991 (DOT-FTA) regulations which mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result.

### **3.0 EMPLOYEE AFFECTED**

This policy applies to all safety-sensitive transit system employees, paid part-time employees, contract employees and contractors when they are on transit property or when performing any transit-related safety-sensitive business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.

A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch, maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee who hold a Commercial Driver's License.

### **4.0 PROHIBITED SUBSTANCES**

"Prohibited substances" addressed by this policy include the following:

#### **4.1 Illegally Used Controlled Substances or Drugs**

Illegally used controlled substances include, but are not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the Catawba County reserves the right to test for additional drugs.

#### 4.2 Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgement may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug is one in which the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

#### 4.3 Alcohol

The use of beverages or other substances such as medications, mouthwash, food, or candy which contain alcohol while performing transit business is prohibited.

### 5.0 **PROHIBITED CONDUCT**

#### 5.1 Manufacture, Trafficking, Possession, and Use

All safety-sensitive employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances. Employees who violate this provision will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

#### 5.2 Alcohol Use

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No safety-sensitive shall use alcohol within four hours of reporting for duty, or during hours that they are on call.

#### 5.3 Compliance with Testing Requirements

No safety-sensitive employees shall refuse to comply with the testing requirements. No safety-sensitive employee shall provide false information in connection with a test, or falsify test results through tampering, contamination, adulteration, or substitution. Those suspected of providing false information in connection with a test shall undergo an observed collection.

#### 5.4 Notifying the Transit System of Criminal Drug Conviction

Failure to notify the a supervisor and/or Department Head of any criminal drug statute conviction for a violation

occurring in the workplace within five days after such conviction is prohibited. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

#### 5.5 Proper Application of the Policy

Failure to use and apply all aspects of this policy in an unbiased and impartial manner is prohibited. Any supervisor who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy in regard to subordinates shall be subject to disciplinary action up to and including dismissal.

### 6.0 **TESTING REQUIREMENTS:**

#### 6.1 Pre-Employment

All final candidates for safety-sensitive positions are required to undergo a pre-employment drug test immediately following the offer of employment or prior to the reassignment into a safety-sensitive position. All final candidates for employment in safety sensitive positions will be provided with written notification of this drug and alcohol testing policy.

Note: Pre-employment alcohol testing requirements were suspended in May of 1995.

#### 6.2 Post-Accident

All safety-sensitive employees as defined by the FTA will be required to undergo urine and breath testing if (1) they are involved in an accident that results in a fatality, (2) if an accident results in injuries requiring transportation to a medical treatment facility; or (3) one or more vehicles incurs disabling damage that requires towing from the site. All surviving safety-sensitive employees that are on-duty in the vehicle and any other employee whose performance could have contributed to the accident are also subject to post-accident testing. The test is mandatory unless the transit employee can be completely discounted as a contributory factor.

Alcohol testing should be performed within two hours, but no longer than eight hours, following the accident. If post-accident alcohol testing is not performed within two hours of the accident, written documentation explaining why the test was not conducted within the two hour timeframe is required. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test.

Prohibited substance testing is required within thirty-two hours following the accident. If the test is not conducted within thirty-two hours of the accident, documentation explaining why the test was not conducted within the thirty-two hour timeframe is required.

Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated.

#### 6.3 Random Testing

Employees in safety-sensitive positions will be subjected to random, unannounced alcohol and drug testing. Each calendar year a minimum of 25 percent of the average number of safety sensitive employees will be randomly tested for alcohol, and a minimum of 50 percent of the average number of safety sensitive employees will be randomly tested for controlled substances. These tests will be conducted on a random, unannounced basis throughout the calendar year. Once notified, safety sensitive employees who are randomly selected must immediately report to the County's contracted medical testing facility to undergo alcohol and/or drug testing. Random alcohol testing is only authorized during, just preceding, or just after a driver has performed a safety sensitive function.

#### 6.4 Reasonable Suspicion Testing

Testing will be required when a trained supervisor or County official observes a safety-sensitive employee with behavior or appearance that is characteristic of alcohol misuse or controlled substance use. Reasonable suspicion alcohol testing is authorized only if the observations are made during, just preceding, or just after a driver has performed a safety sensitive function.

Reasonable suspicion testing must be authorized by the Department Head and reported to the Personnel Director or his/her designee. Once the test is authorized, the safety-sensitive employee with suspect behavior will be immediately escorted to the County's contracted medical facility for alcohol and controlled substance testing within two hours of the observation. Observations leading to a alcohol and/or prohibited substance reasonable suspicion test must be documented and signed by the supervisor or County official who made the observation within 24 hours of the observed behavior.

#### 6.5 Return-to-Duty

Before a safety-sensitive employee who has engaged in conduct prohibited by this policy can return to work, the driver shall undergo a return-to-duty alcohol and/or controlled substance test. The alcohol test must indicate an alcohol concentration level of less than 0.02 and the controlled substances test result must be negative before a driver can return to work.

#### 6.6 Follow-up Testing

Safety-sensitive employees will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the substance abuse professional following his/her return to duty. Follow-up tests will be conducted for a period of two years following the safety sensitive employee's return to duty. A minimum of six follow-up tests will be conducted during the first 12 months following the return to duty. A positive prohibited substance follow-up test or a follow-up alcohol test indicating an alcohol concentration level of 0.04 or greater will result in dismissal.

#### 6.7 Failure to Comply

Failure to comply with the testing requirements will be considered a refusal to consent to testing and will result in dismissal.

### **7.0 CONSEQUENCES OF POSITIVE TEST RESULTS**

#### 7.1 Refusal to Submit to Testing

Applicants for employment into safety-sensitive positions or any other positions with Catawba County who refuse to submit to a pre-employment prohibited substance test will not be considered for employment.

Safety-sensitive employees who refuse to submit to an alcohol or prohibited substance test will be dismissed. A safety-sensitive employee refuses to submit to a test is when he/she (1) fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process, such as verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

## 7.2 Applicants

Any applicant for employment into a safety-sensitive position who tests positive for prohibited substances will not be considered for employment in a safety-sensitive or any other position with Catawba County Government for a period of one year. Any current Catawba County employee who tests positive for prohibited substances prior to employment or reassignment into a safety-sensitive position will not be considered for employment in a safety sensitive position and will be subject to disciplinary action.

## 7.3 Current Employees

Safety-sensitive employees who are tested and found to have alcohol levels of greater than 0.02 but less than 0.04 will not be allowed to work for a minimum of 24 hours and will be subject to disciplinary action.

Safety-sensitive employees who have an alcohol test result of 0.04 or greater or who test positive for prohibited substance use will be mandatorily referred to EAP and will be subject to disciplinary action up to and including dismissal. Participation in a EAP program does not shield an employee from disciplinary action or guarantee employment or reinstatement with Catawba County. An employee permitted to continue employment and receive assistance under the Employee Assistance Program will be required to cooperate fully with the provisions of the recommended rehabilitation program. Employees who fail to enter or complete an EAP program will be dismissed.

A safety-sensitive employee who has been mandatorily referred to EAP for evaluation must complete a rehabilitation program and undergo a return to duty alcohol and/or prohibited substances test prior to returning to work. The return to duty test must indicate an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a verified negative controlled substances test result if the conduct involved a controlled substance before the employee can return to work.

Once the safety-sensitive employee has returned to work, he/she will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the substance abuse professional. Follow-up tests will be conducted for a period of two years following the CDL holder's return to duty. A minimum of six follow-up tests will be conducted during the first 12 months following the return to duty.

# 8.0 **TESTING PROCEDURES**

## 8.1 Alcohol

Alcohol tests will be conducted at the County's contracted medical testing facility by a Breath Alcohol Technician (BAT) using an evidential breath testing (EBT) device. If an initial breath test indicates an alcohol level of 0.02 or greater, a second test is required to confirm the results. Testing procedure that ensure accuracy, reliability, and confidentiality of test results will be followed as outlined in by the Omnibus Transportation Employee Testing Act.

## 8.2 Prohibited Substances

Prohibited substance tests will be conducted at the County's contracted medical testing facility by collected and analyzing a urine specimen. Each step of this process will be documented to establish procedural integrity and chain of custody. Split-specimen procedures are required for all prohibited substance tests. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request the split specimen be sent to another certified laboratory for analysis. A split specimen analysis will be at the expense of the employee.

## **9.0 RECORD RETENTION AND CONFIDENTIALITY**

### **9.1 Records**

Catawba County shall maintain records of its alcohol misuse and controlled substances use prevention programs in accordance with The Omnibus Transportation Employee Testing Act of 1991. All records pertaining to CDL alcohol and controlled substance abuse testing are confidential and will be released only as required by law or expressly authorized.

A safety sensitive employee can obtain copies of any records pertaining to his/her use of alcohol or controlled substances, including test results. Records shall be made available to a subsequent employer or other identified person upon receipt of a written request from the safety sensitive employee.

### **9.2 Medical Review Officer**

The Medical Review Officer (MRO) must submit to Catawba County signed, written test results within three business days of completion of the MRO's review. The MRO is responsible for retaining records of controlled substance tests in a confidential manner and in compliance with the Omnibus Transportation Employee Testing Act of 1991. The MRO is responsible for making reasonable efforts to contact drivers to discuss any positive test results.

## **10.0 EDUCATION AND TRAINING**

Educational material which explains this policy must be distributed to each safety sensitive employee prior to the start of testing program and to each final candidate for employment into a safety sensitive position. A signed receipt of the materials is also required.

All persons who supervise safety-sensitive employees must receive 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use. This training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

## REFERRAL PROCESS FOR DRUG AND ALCOHOL TESTING

### Applicants

1. Discuss the county's drug testing policy before beginning an interview. Ask the interviewee to read and sign a drug testing consent. Explain that finalists with positive tests are ineligible for employment with Catawba County for one year from the date of the positive test. If the applicant refuses to sign, there is no reason to continue the interview. Use the new consent form that is attached. Make sure all the information is completed on the consent. A drug history form will no longer be needed.
2. When the finalist is selected, give the finalist a **copy** of the consent he/she signed. The finalist must take the consent and a picture ID to the Occupational Health Center for the drug test. An appointment is not needed. The hours for the center are 8:30-4:30 Monday through Friday.
3. Give the finalist a copy of the attached instruction sheet on how to get to the Occupational Health Center. Tell the finalist when you expect them to go for the test. Departments should be suspicious of finalist who delay drug testing.
4. Fax or send by courier to the Personnel Department the original of the finalist's consent form. The Fax number for Personnel is 465-8472. The consent includes the identifying information needed by Personnel such as name, social security number and home phone. If the consent is sent promptly, it will not be necessary to call Personnel with this information.
5. The Occupational Health Center will **not** give results over the phone. The results will be faxed to Personnel usually within 48 hours. However, if an applicant is taking some medications, further testing may be necessary to distinguish between legal and illegal substances which may delay test results. If necessary the physician will contact the finalist about current medications.
6. If a finalist has a positive test, they will be notified by the Occupational Health Center. The department should **not** contact finalists with positive tests. The Personnel staff will notify the department when test results are received and if they can proceed with the hiring process.

### Reasonable Suspicion for Drugs

1. Refer to the county drug policy to determine when reasonable suspicion testing is appropriate and to whom it should be reported. The employee who is suspected of drug use must sign a drug testing consent form. If the employee is unable to read the consent it should be read to him/her by the supervisor.
2. If the employee refuses to sign the consent when use of drugs or alcohol has been identified and documented, the employee shall be dismissed under Article IV. of the County Personnel Code.
3. Consult with the Personnel Director or in her absence Jerry Hess, Staff Attorney regarding reasonable suspicion testing and suspension of the employee.
4. The supervisor must take the employee and a copy of the consent to the Occupational Health Center. If testing is needed after hours, the employee should be seen through the Emergency Department. The supervisor should tell the Emergency Department staff the county has a contract with the Occupational Health Center. The employee should be taken home by the supervisor or by a family member. Under no circumstances should the employee be allowed to drive themselves.

5. Fax a copy followed by the original consent to the Personnel Department. Results will be reported to the Personnel Director, who will advise the department on the appropriate action to be taken.

#### **Reasonable Suspicion for Alcohol**

1. Refer to the county drug policy to determine when reasonable suspicion testing is appropriate and to whom it should be reported. The employee who is suspected of alcohol use must sign a drug/alcohol testing consent form. If the employee is unable to read the consent it should be read to him/her by the supervisor.
2. If the employee refuses to sign the consent when use of drugs or alcohol has been identified and documented, the employee shall be dismissed under Article IV. of the County Personnel Code.
3. Consult with the Personnel Director or in her absence Jerry Hess, Staff Attorney regarding reasonable suspicion testing and suspension of the employee.
4. The supervisor must take the employee and a copy of the consent to the Occupational Health Center. If testing is needed after hours, the employee should be seen through the Emergency Department. The supervisor should tell the Emergency Department staff the county has a contract with the Occupational Health Center. The employee should be taken home by the supervisor or by a family member. Under no circumstances should the employee be allowed to drive themselves.
5. Fax a copy followed by the original consent to the Personnel Department. Results will be reported to the Personnel Director, who will advise the department on the appropriate action to be taken.

### **CATAWBA COUNTY GOVERNMENT**

#### **Instructions for Drug/Alcohol Testing at the Occupational Health Center**

1. Report to the center as instructed by the department.
2. Take a copy of the drug consent.
3. Take a picture ID

Catawba Memorial Hospital is located on Fairgrove Church Road. The Occupational Health Center is located in the Emergency Department. You may park in the Emergency Department Parking Lot.

**SAMPLE LETTER TO CANDIDATE**

**REFUSAL TO CONSENT TO  
DRUG SCREENING TEST**

CONFIDENTIAL

(Date)

Dear Candidate:

The Catawba County Board of Commissioners has adopted a policy that establishes a mandatory drug screening or alcohol test as a pre-existing condition for employment. As a candidate, you made an informed decision not to submit to a urinalysis drug screening test; therefore, your application for employment with the County is no longer under consideration for employment and you shall not be considered for employment within one year from the date of this letter.

Please understand that future applications for employment with the County will require your consent for drug screening; otherwise, your application will not be processed. You may not be considered for employment within one year of the date of this letter. Questions concerning your current application may be directed to the Personnel Department by calling (828) 465-8902.

Sincerely,

Debbie Bradley  
Personnel Director

**SAMPLE LETTER TO APPLICANT**  
**POSITIVE DRUG SCREENING TEST**

**CONFIDENTIAL**

(Date)

Dear Applicant:

The Catawba County Board of Commissioners has adopted a policy that establishes a drug screening test as a pre-existing condition for employment. As an applicant, you made an informed decision to consent to a urinalysis drug screening test. The results of your confirmatory test were positive. Your application for employment with the County is no longer under consideration for employment, and you shall not be considered for employment within one year from the date of this letter. If you have questions regarding your test results, you may contact the Occupational Health Center at Catawba Memorial Hospital by calling 326-3230.

This letter is to inform you that your application is no longer under consideration for employment. Questions concerning the status of your application may be directed to Sue Laney, Personnel Technician by calling (828) 465-8902.

Sincerely,

Debbie Bradley  
Personnel Director

**CATAWBA COUNTY  
CANDIDATE/EMPLOYEE CONSENT FOR DRUG AND ALCOHOL SCREENING TESTS**

\_\_\_\_\_  
Candidate/Employee's Name

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Address

(\_\_\_\_\_)\_\_\_\_\_  
Home Phone Number

\_\_\_\_\_  
Job Title and Position Number

\_\_\_\_\_  
Supervisor

Testing for \_\_\_\_\_ Alcohol \_\_\_\_\_ Drugs (Check all that apply)

Reason for Test: \_\_\_ Pre-employment \_\_\_ Random \_\_\_ Reasonable Suspicion \_\_\_ Post Accident \_\_\_ Return to Duty  
\_\_\_\_\_ Follow-up (Check the appropriate reason for testing)

I hereby authorize Catawba County, its employees and/or agents, to collect my urine or breath samples for the purpose of analysis to determine the presence of drugs and/or alcohol.

I also understand that:

1. Catawba County will only use a laboratory facility approved and certified by the U.S. Department of Health and Human Services;
2. As a candidate, a positively confirmed test or refusal to be tested will result in my application for employment no longer being considered; and that a positive test will render me ineligible for consideration for employment for one year following the positive test.
3. As an employee, a positively confirmed test or refusal to be tested will result in disciplinary action up to and including dismissal; such disciplinary action may include a mandatory EAP referral; failure to follow through with a mandatory referral will result in dismissal.
4. An employee with a positively confirmed test may be required to submit to periodic drug testing to monitor compliance with drug treatment; failure to comply with treatment will result in dismissal.
5. Under the County Personnel Code, permanent employees have the right to appeal if their employment is terminated because of positive test results. There is **no** right of appeal when employment is terminated or denied, because of a refusal to be tested or for positive tests of candidates and employees in new probationary status.
6. The Occupational Health Center of Catawba Memorial will inform the candidate/employee of the test results as soon as possible after receipt from the physician.
7. Candidates/employees have the right to discuss test results with the Medical Review Officer.

I hereby authorize disclosure of the drug and/or alcohol test results by, between and among the testing laboratory, Medical Review Officer, Personnel Director, or others with a need to know. I hereby release Catawba County, its employees and the agents and any other persons or entities involved in the collection, handling or testing of any such samples or specimens, from any and all claims or causes of actions resulting therefrom, except any such claims directly resulting from that person's or entity's own negligent act or omission.

\_\_\_\_\_  
Signature of Employee/Candidate

\_\_\_\_\_  
Witness\*

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

**\*A witness must be someone other than the supervisor. A witness must be reliable and able to testify to the employee/candidate's signature.**

**CATAWBA COUNTY  
REASONABLE SUSPICION DRUG TESTING REFERRAL FORM**

**Date:**

**Employee Name:** \_\_\_\_\_ **Department:**

Any of the following alone, or in combination, may constitute "reasonable suspicion"

**Speech:**

☐ Not Understandable    ☐ Mumbled    ☐ Slurred    ☐ Confused    ☐ Thick Tongued    ☐ Stuttered  
☐ Talks More    ☐ Talks Less    ☐ Talks Faster    ☐ Talks Slower

**Odor of alcohol or marijuana on breath of person:**

☐ Strong    ☐ Moderate    ☐ Faint    ☐ None

**Absent from the job:**

☐ Tardy    ☐ Excessive Sick Leave    ☐ Excessive Breaks    ☐ Takes Long Lunches  
☐ Gets Sick While at Work    ☐ Takes Half Days Off w/o Adequate Notice  
☐ Leaves w/o Notice    ☐ Gives Unlikely Excuses for Absences  
☐ Wanders Around the Worksite

**Excessive Anger:**

☐ Impatient    ☐ Irritable    ☐ Temper Outbursts  
☐ Argumentative    ☐ Physical Fights    ☐ Over-Reaction to Criticism

**General Appearance:**

☐ Clothes Disorderly    ☐ Clothes Orderly    ☐ Clothes Disarranged  
☐ Soiled Clothes    ☐ Mussed    ☐ Puffy Face  
☐ Red, Raw Nostrils    ☐ Runny Nose    ☐ Blushing or Paleness

**Eyes:**

☐ Bloodshot    ☐ Glassy    ☐ Dilated Pupils

**Signs of Stress:**

☐ Shaky Hands    ☐ Cold, Sweaty Hands    ☐ Nail Biting    ☐ Twitching  
☐ Sweating, Especially Nonseasonal

**Attitude:**

☐ Excited    ☐ Carefree    ☐ Cocky    ☐ Polite  
☐ Cooperative    ☐ Indifferent    ☐ Insulting

**Unusual Behavior:**

☐ Hiccuping    ☐ Belching    ☐ Crying    ☐ Laughing  
☐ Nausea/Vomiting

Comments:

**Supervisor's Signature:** \_\_\_\_\_ (Forward to Personnel Director)